



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,643	11/09/2001	Steven A. Sivier	5181-98000	7318

7590

02/18/2005

Lawrence J. Merkel
Conley, Rose & Tayon, P.C.
P.O. Box 398
Austin, TX 78767

EXAMINER

LIM, KRISNA

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/008,643

Applicant(s)

SIVIER ET AL.

Examiner

Krisna Lim

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Art Unit: 2153

1. Claims 1-23 are presented for examination.
2. Claims 1-20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 11 and 18, it is not understood how each of nodes is configured to simulate a different portion of a system under test. It is not understood how each of node is configured to perform a simulation as a series of timesteps. Moreover, it is not clearly understand what the applicant means by timesteps.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tikalsky [U.S. Patent No. 5,875,179].

5. Tikalsky discloses (e.g., see Figs. 1-23) the invention substantially as claimed. Taking claim 1 as an exemplary claim, the reference discloses a distributed simulation system comprising: a plurality of nodes (e.g., see col. 3, lines 55-57,), wherein each node of plurality of nodes is configured to simulate a different portion of a system under test (e.g., see col. 11, lines 33-50), and wherein each node is configured to perform a simulation as a series of timesteps (frequency hopping and hoping period) (e.g., see col. 2 (lines 29-38), col. 5 (line 32) to col. 6 (line 42)); and wherein a transition between timesteps in the plurality of nodes is synchronized (e.g., see col. 2 (lines 29-52), col. 3 (lines 1-3)).

6. While Tikalsky discloses the use of frequency hopping (a series of random or a predetermined sequence of frequencies) and a hopping period, Tikalsky does not explicitly mention that the hop period is timesteps. It would have been obvious to one of ordinary skill in the art to recognize that hop period would have been obviously some kinds of timesteps because meaning of timesteps is obviously some kinds of hop period.

7. As to claim 2, Tikalsky discloses the plurality of nodes are coupled to communicate with each other (e.g., see Fig. 1), and wherein each of the plurality of nodes determines that other nodes of the plurality of nodes are capable of completing a timestep to synchronize that transition between timesteps (e.g., see col. 2, line 8, to col. 3, line 3).

8. As to claim 3, Tikalsky discloses a hub (e.g., see col. 1, lines 20-21) coupled to communicate to the plurality of nodes, wherein the hub is configured to synchronize that transition between timesteps (e.g., see col. 2, line 8, to col. 3, line 3).

9. As to claims 4-5, Tikalsky discloses each of the plurality of nodes is configured to transmit a first command to the hub indicating that the node is capable of completing the a first timestep (e.g., see col. 2, line 8, to col. 3, line 3).

10. As to claim 6, Tikalsky discloses the hub is configured to transmit a second command (e.g., switch command) to each other of the plurality of nodes in response to the first command from all nodes, and wherein each node is configured to transition to the next timestep in response to the second command, wherein the transition is synchronized (e.g., col. 5 (line 32) to col. 6 (line 42)).

11. As to claim 7, Tikalsky discloses the second command (e.g., switch command) is a predefined command transmitted to each node (e.g., see col. 5 (lines 42-48)).

12. As to claim 8, Tikalsky discloses the hub is configured to transmit command (e.g., see col. 4, line 61) other than the second command (e.g., switch) command to each node.
13. As to claim 9, Tikalsky discloses each node of the plurality of nodes is configured to iterate evaluating event (hop timer count, col. 7, lines 31-42) within the first timestep in response to receiving a command other than the second command.
14. As to claim 10, Tikalsky discloses each timestep comprising at least a first phase and a second phase (e.g., a plurality of frequencies, col. 2, lines 32-38), and wherein a transition between each phase is synchronized in the plurality of nodes (e.g., see col. 2 (line 8) to col. 3 (line 3)).
15. Claims 11-23 are similar in scope as of claims 1-10, and therefore claims 11-23 are rejected for the same reasons set forth above for claims 1-10.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references are cited in the Form PTO-892 for the applicant's review.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Wednesday and Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone

Art Unit: 2153

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

February 11, 2005



KRISNA LIM
PRIMARY EXAMINER